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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,096	01/27/2006	Vito Suppa	4590-482	9561

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LOWE HAUPTMAN & BERNER, LLP  
1700 DIAGONAL ROAD, SUITE 300  
ALEXANDRIA, VA 22314

EXAMINER
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LANGDON, EVAN H

ART UNIT	PAPER NUMBER
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3654

MAIL DATE	DELIVERY MODE
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11/14/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/566,096

Applicant(s)

SUPPA ET AL.

Examiner

Evan H. Langdon

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 8-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/27/06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claim 1, the limitation "automatic" renders the claim indefinite. It is not understood what is meant by "automatic hauling"?

The term "very" in claim 1, line 1 is a relative term which renders the claim indefinite. The term "very" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

The term "good" in claim 8, line 10 and claim 9, line 2 is a relative term which renders the claim indefinite. The term "good" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

In further regard to claim 8 and 11, the limitation "gripping means being given a relative movement with respect to the hauled object, in a direction opposite to the direction of hauling" in claim 8 and "wherein the relative movement if the gripping means is achieved by rotating" renders the claim indefinite. A rotational direction is not opposite a longitudinal direction.

In further regard to claim 8, the limitation "their" is indefinite.

Claim 8 recites the limitation "the coordination means" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the strands" in line 3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8-10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Bishop (US 4,869,412).

Bishop discloses a device for the hauling of elongate objects 3, comprising: traction means 1 able to move translationally to drive an object 3 that is to be hauled, the drive being achieved by friction,

gripping means 6 for keeping the traction means and the object that is to be hauled continuously in contact, this being achieved over at least a section of the object (Fig. 1 and 2), and these gripping means being given a relative movement (rotational) with respect to the hauled object,

means for actuating 10 the traction means and the gripping means in a coordinated manner, the coordination means (col. 5, lines 10) performing separate functions which

collaborate in order to ensure continuous traction on the object that is to be hauled, and good distribution of stress over its surface, the entire device having a stationary position 9.

Bishop discloses the traction means comprise two running strips 1 (top and bottom strips that are in a continuous loop) made of a material with adhesion, these strips coming into contact with the object that is to be hauled.

Bishop discloses gripping means comprise a chassis 6 able to move rotationally about the axis of traction of the object, the chassis comprising at least one belt 6 stretched between two pulleys 7, 8 and one of the strands of which is helically wound around the running strips and around the object that is to be hauled so as to keep the running strips and the object that is to be hauled in contact.

Claims 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Powel (US 2,679,924).

Powel discloses a device for the hauling of elongate objects, comprising: traction means 15 able to move translationally to drive an object 13 that is to be hauled, the drive being achieved by friction,

gripping means 114, 106 for keeping the traction means and the object that is to be hauled continuously in contact, this being achieved over at least a section of the object (Fig. 3), and these gripping means being given a relative movement with respect to the hauled object,

means for actuating 108 the traction means and the gripping means in a coordinated manner, the coordination means (Fig. 2) performing separate functions which collaborate in

order to ensure continuous traction on the object that is to be hauled, and good distribution of stress over its surface, the entire device having a stationary position .

Powel discloses the traction means comprise two running strips 15 made of a material with adhesion, these strips coming into contact with the object that is to be hauled.

Powel discloses gripping means comprise a chassis 61, 106 able to move rotationally about the axis of traction of the object, the chassis comprising at least one belt 106 stretched between two pulleys 103, 104 and one of the strands of which is helically wound around the running strips and around the object that is to be hauled so as to keep the running strips and the object that is to be hauled in contact.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop.

Bishop teaches a motor 10. the claims would have been obvious because using a hydraulic, electric, or manual means was part of the ordinary capabilities of a person of ordinary skill in the art, in view of the teachings of the technique for improvement in other situations.

Claims 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powel.

Powel teaches a motor 10. the claims would have been obvious because using a hydraulic, electric, or manual means was part of the ordinary capabilities of a person of ordinary skill in the art, in view of the teachings of the technique for improvement in other situations.

***Allowable Subject Matter***

Claim 11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

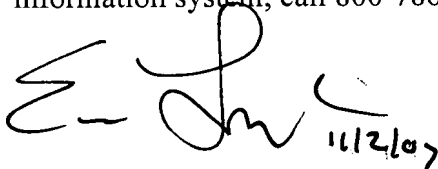
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H. Langdon whose telephone number is (571)272-6948. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'E. Langdon', with the date '11/2/07' written below it.

Evan Langdon  
Patent Examiner  
AU 3654